

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ANDY SHIN FONG CHEN, et al.,

Defendants.

CASE NO. C17-0405JLR

ORDER

Before the court is Defendants Andy Shin Fong Chen and Aero Space Port International Group, Inc.’s (“ASPI”) (collectively, “Defendants”) renewed motion to dismiss Relief Defendants North American Foreign Trade Zone Industries, LLC (“NAFTZI”), Washington Economic Development Capital II, LLC (“EDC II”), Moses Lake 96000 Building LLC (“Moses Lake”), Sun Basin Orchards, LLC (“Sun Basin”), John Chen, Tom Chen, Bobby Chen, and Heidi Chen (collectively, the “remaining Relief Defendants”). (Mot. (Dkt. # 184).) Plaintiff the Securities and Exchange Commission

1 (the “SEC”) does not oppose the motion. (Resp. (Dkt. # 189).) The court has considered
2 the submissions of the parties, the relevant portions of the record, and the applicable law.
3 Being fully advised, the court GRANTS Defendants’ renewed motion to dismiss the
4 remaining Relief Defendants.

5 On August 16, 2022, the court ruled on the SEC’s third motion for partial final
6 judgment and entered a final judgment against Defendants.¹ (See 8/16/22 Order;
7 Judgment (Dkt. # 181).) The court concluded, in relevant part, that no disgorgement
8 should be awarded against Defendants; that Defendant Mr. Chen must pay a civil penalty
9 of \$75,000; and that Defendant ASPI must pay a civil penalty of \$375,000. (See 8/16/22
10 Order at 8-10, 17; *see also* 10/18/21 Order at 8-12; Judgment at 4-7.) Defendants paid
11 their civil penalties to the Receiver in accordance with the court’s order. (See Receiver
12 Dist. Mot. (Dkt. # 182) at 2; 8/16/22 Order at 17; Judgment at 4-7.)

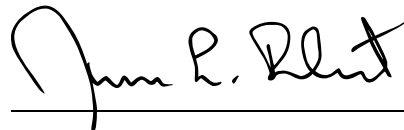
13 In its August 16, 2022 order, the court also denied Defendants’ motion to dismiss
14 the remaining Relief Defendants, concluding that dismissal of the remaining Relief
15 Defendants was not appropriate at that time because: “(1) Defendants have not
16 adequately verified that they have sufficient funds at their disposal to satisfy any
17 judgment this court may enter; and (2) the SEC is not currently seeking a judgment
18 against the remaining Relief Defendants.” (8/16/22 Order at 16.) However, Defendants
19 have since satisfied their monetary obligations under the judgment entered by this court
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21 ¹ The court set forth the factual and procedural background of this case in detail in its
22 February 15, 2019, October 18, 2021, and August 16, 2022 orders (*see* 2/15/19 Order (Dkt. # 53)
at 2-18; 10/18/21 Order (Dkt. # 119) at 2-5; 8/16/22 Order (Dkt. # 180)) and does not repeat
them here.

1 (see Receiver Dist. Mot. at 2), and the SEC has confirmed that it does not intend to seek a
2 judgment against the remaining Relief Defendants (*see generally* Resp.).

3 Accordingly, the court finds that dismissal of the remaining Relief Defendants is
4 now appropriate and GRANTS Defendants' renewed motion to dismiss the remaining
5 Relief Defendants (Dkt. # 184).

6 Dated this 17th day of October, 2022.

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9 JAMES L. ROBART
10 United States District Judge
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